IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 18412 of 2007(P)

PETITIONER:

NISHA MANEMBATH, AGED 33 YEARS,
W/O. NALINAKSHAN, JUNIOR LANGUAGE HINDI
TEACHER (HINDI), RADHAKRISHNA A.U.P. SCHOOL,
MANIYOOR P.O., CHEKKIKULAM, KANNUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

2. THE DEPUTY DIRECTOR EDUCATION,
KANNUR P.O., KANNUR-2.

3. THE ASSISTANT EDUCATIONAL OFFICER,
TALIPARAMBA SOUTH, P.O.TALIPARAMBA,
KANNUR DISTRICT.

4. THE HEADMASTER,
RADHAKRISHNA A.U.P. SCHOOL, MANIYOOR P.O.,
CHEKKIKULAM, KANNUR DISTRICT.

5. THE CORPORATE MANAGER,
CORPORATE EDUCATIONAL AGENCY, ARCHDIOCASE
OF THALASSERY, SANDESA BHAVAN, P.B.NO.70,
THALASSERY-670 101.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.18412 OF 2007

Dated this the 15th day of June, 2007

JUDGMENT

Petitioner is stated to be working as Full-time Junior Language (Hindi) Teacher in Radhakrishna A.U.P. School, Maniyoor under protection. By Ext.P1 order dated May 23, 2007, the Corporate Manager of respondent no.5 Educational Agency has informed the petitioner that she has been absorbed as Part-time Lower Grade (Hindi) Teacher in St. Joseph's U.P. School, Josgiri in Payyannur Educational Sub District in a promotion vacancy in terms of G.O.(P)No.46/06/G.Edn. dated 1.2.2006.

2. Petitioner takes exception to Ext.P1 order on two grounds. (a) Since the petitioner is entitled to get the benefit of Clause-vi of Ext.P3 order issued by the Government, she is entitled to continue in the parent school itself under protection. Petitioner contends that she is a Cub Master in charge of NCC/Scouts. She points out that there is no unit of NCC/Scout in the school to which she has now been ordered to be transferred. (b) Petitioner is a Full- time Lower Grade (Hindi) Teacher. Ext.P1 order indicates that she has been absorbed as a Part-time Lower Grade (Hindi) Teacher.

3. Having heard learned counsel for the petitioner and having perused the materials on record, I am of the view that petitioner has to raise all these contentions before the authority concerned. In fact it is pointed out that petitioner has preferred Ext.P4 before respondent no.2 highlighting the above and other relevant aspects. In that view of the matter, it is for respondent no.2 to take a decision in the matter expeditiously since petitioner has already been served with Ext.P1 order.

4. Therefore, the writ petition is disposed of with a direction to respondent no.2 to consider and pass orders on Ext.P4 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.2 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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